

1 **Rule 5. Service and filing of pleadings and other papers.**

2 **(a) When service is required.**

3 **(a)(1) Papers that must be served.** Except as otherwise provided in these rules or as otherwise  
4 directed by the court, the following papers must be served on every party:

5 (a)(1)(A) a judgment;

6 (a)(1)(B) an order that states it must be served;

7 (a)(1)(C) a pleading after the original complaint;

8 (a)(1)(D) a paper relating to disclosure or discovery;

9 (a)(1)(E) a paper filed with the court other than a motion that may be heard ex parte; and

10 (a)(1)(F) a written notice, appearance, demand, offer of judgment, or similar paper.

11 **(a)(2) Serving parties in default.** No service is required on a party who is in default except that:

12 (a)(2)(A) a party in default must be served as ordered by the court;

13 (a)(2)(B) a party in default for any reason other than for failure to appear must be served as  
14 provided in paragraph (a)(1);

15 (a)(2)(C) a party in default for any reason must be served with notice of any hearing to  
16 determine the amount of damages to be entered against the defaulting party;

17 (a)(2)(D) a party in default for any reason must be served with notice of entry of judgment  
18 under Rule [58A\(d\)](#); and

19 (a)(2)(E) a party in default for any reason must be served under Rule [4](#) with pleadings  
20 asserting new or additional claims for relief against the party.

21 **(a)(3) Service in actions begun by seizing property.** If an action is begun by seizing property  
22 and no person is or need be named as defendant, any service required before the filing of an answer,  
23 claim or appearance must be made upon the person who had custody or possession of the property  
24 when it was seized.

25 **(b) How service is made.**

26 **(b)(1) Whom to serve.** If a party is represented by an attorney, a paper served under this rule  
27 must be served upon the attorney unless the court orders service upon the party. Service must be  
28 made upon the attorney and the party if:

29 (b)(1)(A) an attorney has filed a Notice of Limited Appearance under Rule [75](#) and the papers  
30 being served relate to a matter within the scope of the Notice; or

31 (b)(1)(B) a final judgment has been entered in the action and more than 90 days has elapsed  
32 from the date a paper was last served on the attorney.

33 **(b)(2) When to serve.** If a hearing is scheduled 7 days or less from the date of service, a party  
34 must serve a paper related to the hearing by the method most likely to be promptly received.  
35 Otherwise, a paper that is filed with the court must be served before or on the same day that it is filed.

36 **(b)(3) Methods of service.** A paper is served under this rule by:

37 (b)(3)(A) except in the juvenile court, submitting it for electronic filing, or the court submitting it  
38 to the electronic filing service provider, if the person being served has an electronic filing account;

39 (b)(3)(B) emailing it to

40 (b)(3)(B)(i) the most recent email address provided by the person to the court under Rule  
41 10(a)(3) or Rule 76, or

42 | ~~(b)(3)(B)(ii) to the email address on file with the Utah State Bar, if the person has agreed~~  
43 | ~~to accept service by email or has an electronic filing account;~~

44 | (b)(3)(C) mailing it to the person's last known address;

45 | (b)(3)(D) handing it to the person;

46 | (b)(3)(E) leaving it at the person's office with a person in charge or, if no one is in charge,  
47 | leaving it in a receptacle intended for receiving deliveries or in a conspicuous place;

48 | (b)(3)(F) leaving it at the person's dwelling house or usual place of abode with a person of  
49 | suitable age and discretion who resides there; or

50 | (b)(3)(G) any other method agreed to in writing by the parties.

51 | **(b)(4) When service is effective.** Service by mail or electronic means is complete upon sending.

52 | **(b)(5) Who serves.** Unless otherwise directed by the court:

53 | (b)(5)(A) every paper required to be served must be served by the party preparing it; and

54 | (b)(5)(B) every paper prepared by the court will be served by the court.

55 | **(c) Serving numerous defendants.** If an action involves an unusually large number of defendants,  
56 | the court, upon motion or its own initiative, may order that:

57 | (c)(1) a defendant's pleadings and replies to them do not need to be served on the other defendants;

58 | (c)(2) any cross-claim, counterclaim avoidance or affirmative defense in a defendant's pleadings and  
59 | replies to them are deemed denied or avoided by all other parties;

60 | (c)(3) filing a defendant's pleadings and serving them on the plaintiff constitutes notice of them to all  
61 | other parties; and

62 | (c)(4) a copy of the order must be served upon the parties.

63 | **(d) Certificate of service.** A paper required by this rule to be served, including electronically filed  
64 | papers, must include a signed certificate of service showing the name of the document served, the date  
65 | and manner of service and on whom it was served. Except in the juvenile court, this paragraph does not  
66 | apply to papers required to be served under paragraph (b)(5)(B) when service to all parties is made under  
67 | paragraph (b)(3)(A).

68 | **(e) Filing.** Except as provided in Rule [7\(i\)](#) and Rule [26\(f\)](#), all papers after the complaint that are  
69 | required to be served must be filed with the court. Parties with an electronic filing account must file a  
70 | paper electronically. A party without an electronic filing account may file a paper by delivering it to the  
71 | clerk of the court or to a judge of the court. Filing is complete upon the earliest of acceptance by the  
72 | electronic filing system, the clerk of court or the judge.

73 | **(f) Filing an affidavit or declaration.** If a person files an affidavit or declaration, the filer may:

74 | (f)(1) electronically file the original affidavit with a notary acknowledgment as provided by Utah  
75 | Code Section [46-1-16\(7\)](#);

76 | (f)(2) electronically file a scanned image of the affidavit or declaration;

77 | (f)(3) electronically file the affidavit or declaration with a conformed signature; or

78 | (f)(4) if the filer does not have an electronic filing account, present the original affidavit or  
79 | declaration to the clerk of the court, and the clerk will electronically file a scanned image and return  
80 | the original to the filer.

81 | The filer must keep an original affidavit or declaration of anyone other than the filer safe and available  
82 | for inspection upon request until the action is concluded, including any appeal or until the time in which to  
83 | appeal has expired.

